

WILL INCREASE PROFITS OF SALT LAKE PRODUCERS OF COPPER

Advance in Price of Metals Will Yield \$90,000 a Month More to Mine Owners.

Smelting and Refining Company Raises Settling Price of Lead From \$3.50 to \$3.75 Per 100 Pounds.

The action taken by the American Smelting and Refining company yesterday in raising the settling price of lead from \$3.50 to \$3.75 per 100 pounds, or \$5 per ton more than it has allowed for over a year past, together with the recent advance in the price of silver and copper, will mean an increase in the earnings of the Utah producers of at least \$90,000 a month.

The action of the smelting company will come in the nature of a surprise to the producers of lead ores in this region this morning. The price of silver and copper have been advancing steadily for several weeks past, but it is doubtful if there was a single producer of lead who had even dreamed that the advanced allowed yesterday would be forthcoming at this time.

Redeeming Its Pledges.
Discussing the proposition during the afternoon, Charles W. Whitley, the company's resident manager, said the raise was to be considered in the light of the company's intention to redeem the pledges it had made at the time it consolidated the various smelting interests and began the task of building new works and remodeling old plants with a view of bringing them up to date and thereby reducing the cost of treating ores. At that time, it will be remembered, the chief officials of the company declared it to be their purpose to add, rather than cripple, the mining industry to the extent of their ability. They are now, Mr. Whitley declares, beginning to make their words good.

"In connection with this advance," said Mr. Whitley, "I want to say that the new price affects everybody. Companies and individuals who have already made contracts which call for a lower settling price will be given the benefit of the new rate just as will those who have not entered into agreements. In other words, every company and every individual doing business with us will be permitted to settle on the \$3.75 basis."

Manager Whitley said that the \$5 per ton advance would mean a saving or additional profit to the lead ore producers doing business with his company at this point of at least \$30,000 per month, and no one, he declared, could feel happier than he that such was the case. He also stated that the sharp advance in the price of silver during the past few days meant an additional profit to the Utah producers of more than \$30,000 per month and he felt very confident that the price would continue to advance.

Bright For Mine Owner.
Taken all in all, the season is opening up most auspiciously for the Utah mine owner, who can now begin to see substantial profits in sight. The passing of a coinage measure for the Philippines will itself naturally cause a still greater advance in the white metal, while the appropriation by congress of \$100,000 to meet the expense of the commission which is to treat with Mexico, China and other countries with a view to establishing a definite ratio between silver and gold, is taken to mean that the time is not far distant when a greatly enlarged market for silver will be created.

The Guggenheims have been working openly and zealously in the interests of silver for several months past, and to their efforts is no doubt due, in a measure, the results now being attained.

CLASH WITH SOLDIERS WILL MAKE NEW FUEL

Militia and Strikers at Colorado Springs Exchange Shots in Dead of Night.

Denver, Colo., March 10.—Gov. Peabody this evening stated that he hoped to see a settlement of the smeltermen's strike practically assured by tomorrow night. On Saturday and Sunday he held conferences with the representatives of the mill owners and the mill workers. Monday he submitted the latter's proposition to the mill owners, and he is now awaiting a reply. This he believes will be such as to make possible an agreement for arbitration.

Colorado Springs, Colo., March 10.—By order of Colonel James H. Brown, the cordons of soldiers surrounding the striking headquarters in Colorado City was withdrawn early this morning and everything is quiet throughout the town and at the three mills. The militia continued to hold position over the hills and at the several plants.

The first reports of a clash between the soldiers and the strikers, which occurred at 2 o'clock this morning, appear to have been overdrawn. At the Standard mill a sentry challenged another non-union worker who attempted to pass through the lines, and when the warning was unheeded, fired a shot, the striker disappearing over the hill. At the Telluride mill one window was broken out by a shot fired from a clump of bushes twenty yards distant, which was replied to by four shots from the sentry on duty. Five empty cart-ridge shells were found this morning, four lying outside the Telluride mill and one in the bushes.

TOLEDO TEAMSTERS STRIKE.

Violence by Union Men Is Freely Charged.

Toledo, O., March 10.—After four successive attacks had been made today on non-union teamsters by striking union men, a member of the Toledo Cartage association declared that he would make application to Governor Nash tomorrow to call out the state militia to protect the association's men and interests. Today has been one of the most exciting in the city's history, nor is the excitement abated by the strikers' declaration that a general strike will be called and that no freight will be handled by teamsters in any part of the county. The trouble began at noon, when a mob of 400 strikers and sympathizers followed a truck through the principal business streets endeavoring to knock and pull from its place a non-union driver. The mob also attempted to do violence to Manager Turner of the Moreton truck company. Both men were saved from serious injury, however, by the police. Later the police gave notice that any further provocation given the strikers would be the fault of the employers and that they would not interfere hereafter. A preliminary hearing was made to throw a non-union driver into the river, but the man was saved by the police. Not half an hour later a non-union driver was torn from a truck in front of the Moreton Truck company's office, and at the point of a revolver was compelled to run for his life. A similar fate befell a non-union teamster within a block of the police station.

FOURTEEN ARE DEAD.

Loss of Life in Orleans Disaster— Many Are Injured.

Orleans, N. Y., March 10.—Fourteen persons were killed and a large number are lying in the undertaking establishments or in their late homes, fourteen people being lying in the hospital. Several of the victims are so seriously injured that they are not expected to survive. The disaster occurred at 10 o'clock last night, when an oil train was wrecked and several oil cars exploded, scattering death and destruction in every direction. Several of the patients in the hospital are seriously burned, one of them, Richard McDonald, aged 9 years, probably fatally. The dead are John Stimpinger, aged 17; Norman Brown, 16; John Tobin, 16; John McCrea, 15; Michael Driscoll, 22; Walter Jackson, 12; Walter Roth, 16; Richard Connell, 19; Herman Bolman, 15; Rafaelo Quintero, Carmen Sillano, all of them; Henry Gorden, aged 18, Boardmanville.

KILLED WHILE AUTOMOBILING.

Buffalo, N. Y., March 10.—Arthur R. Pennell, one of the chief figures in the investigation of the Burdick murder, was killed this afternoon while riding in his electric automobile with Mrs. Pennell. They were on Kensington avenue, near Fillmore avenue, skimming along the side of the Gehse stone quarry, a huge rock-ribbed hole in the ground. Mr. Pennell's car blew off. The automobile swerved, and in some inexplicable manner it leaped over the curb into the abyss below. Pennell was killed instantly, his head being crushed to an unrecognizable mass. Mrs. Pennell was injured so severely that the surgeons at the Sisters' hospital, to which she was taken, have her chances of recovery are very slight.

ROBBED GOT NOTHING.

Stockton, Cal., March 10.—A masked robber, hiding behind a clump of brush on the stage road between Lome and Jackson, at about a quarter to 5 o'clock this evening, fired four shots at the driver of the four-horse stage car, driving passengers and express, and killed one of the horses. The stage was filled with passengers, men, women and children.

WABASH INJUNCTION.

St. Louis, March 10.—Judge Elmer B. Adams, in the United States district court, announced today that he will on Tuesday, March 17, hear arguments on the motion to dissolve the temporary injunction granted one week ago, restraining officials of the Brotherhood of Locomotive Firemen and Railroad Trainmen and members of the grievance committee from ordering a strike on the Wabash system.

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SALT LAKE CITY, UTAH, WEDNESDAY, MARCH 11, 1903.

ACTION IN SMOOT CASE IS DOUBTFUL

(Special to The Herald.)
Washington, D. C., March 10.—Senator Burrows, who returned today from Michigan, has stated to inquiring members of the committee on privileges and elections that no action will be undertaken by the committee in the Smoot case during the special session or recess. If the case is taken up by the committee it will be upon the assembling of congress in December.



"WHO? ME?"

COL. HAYES GETS A RICH PLUM

Ogden Man Appointed Solicitor for the Bureau of Internal Revenue, With Salary of \$4,500 Annually—Appointment Great Surprise to Washington Politicians.

(Special to The Herald.)
WASHINGTON, March 10.—The president today appointed A. B. Hayes of Ogden solicitor for the bureau of internal revenue, to succeed A. W. Wishard of Indiana, who resigned the position several weeks ago. The place pays \$4,500 a year and is one of the most desirable legal positions here. Mr. Hayes was put forward as a candidate for the place vacated by Judge Van Devanter of Wyoming, assistant attorney general for the interior department. He was also urged for appointment to the position of assistant secretary of the interior when it was decided to appoint Assistant Secretary Campbell in Van Devanter's place. It was decided that Hayes was unavailable for these places and about a week ago the place to which he was appointed was offered him, and when his acceptance reached the president today his nomination was sent to the senate. It was known that Hayes was to be given a local position of some sort but it was not expected that it would be solicitor of internal revenue, as it was semi-officially given out when Wishard resigned that his place had been placed at the disposition of Senator Platt of New York.

MUST ACCEPT SCHLEGLE DUTY OF MOTORMAN

Surveyor General Eagleson of Judge Thayer's Decision Defining Rights of Street Car Men and the Public.

St. Louis, Mo., March 10.—In the United States court of appeals an opinion handed down by Judge Thayer, concurred in by Judge Caldwell, defines the rights and privileges of pedestrians and vehicles upon street railway tracks and the duties of motormen in running their cars.

The plaintiff in the case, whose vehicle had been wrecked and the occupants injured, set forth that the motorman was guilty of negligence, and the defense set up the claim that the plaintiff was guilty of contributory negligence. This was the main question at issue in the appeal.

Judge Thayer held that a motorman is under the same obligations to exercise ordinary care and prudence so as to avoid collisions and injuring persons as these persons are to exercise care not to get in the way of street cars so as to be run over and injured.

He says pedestrians and vehicles have a right to cross the tracks of street railways at any point besides the regular crossings, and to use the tracks for any distance for a matter of safety or convenience where they do not unnecessarily interfere with or obstruct the passage of the cars. A motorman, he says, has no right to act on the assumption that he is entitled to a clear track at all times, and that pedestrians or vehicles are bound at their peril, no matter at what inconvenience, to get out of the way.

He held that the plaintiff in this case had a right to use the street railway tracks as a convenience in avoiding the mudhole in the street, and that the motorman was guilty of negligence in not taking proper precautions to reduce the speed of his car when he saw the vehicle, so as to bring it under such control that he could have avoided the collision.

Judge Sanborn filed a lengthy dissenting opinion. He holds the trial judge erred in refusing to allow the claim of contributory negligence on the plaintiff's part.

BOXERS ACTIVE.

Peking, March 10.—Yuan Shai Kai, governor of Chi Li province, having been informed that the boxer organization has resumed activity in the eastern part of the province, dispatched troops, who discovered that members of the society, well armed, were drilling at night in a town a hundred miles east of Peking. The boxers were dispersed after a dozen of them and several soldiers had been killed. Yuan Shai Kai ordered the prisoners to be beheaded and their heads to be displayed in public, and issued a proclamation imposing the death penalty on members and abettors of the organization.

CROWDED THROUGH HOUSE.

Irrigation Bill Pushed by Perfect Organization of Supporters.

A thorough organization of friends of the irrigation bill was prepared to crowd it through the house. Chairman Austin of the irrigation committee was in charge of the measure. Barrett helped him to steer it and the course of these two men gave the cue to the supporters, who were taken up in one proposition. It was agreed beforehand that no amendments should be tolerated unless some flagrant error had crept in by chance. This policy was carried out. Only limited debate was allowed, and then the roll was called on final passage of the bill.

The irrigation bill had been made a special order in the house for 7:30 (Continued on Page 4.)

BIG IRRIGATION BILL IS PASSED

Goes Through Both Branches of State Legislature.

THE MAJORITIES ARE LARGE
OPPOSITION BITTER, BUT OBJECTIONS OVERCOME.

CHOKING WISE ANIMAL

When Performed on a Girl by Reform School Teacher.

WALLACE GENTLY CONDEMNED

LEGISLATIVE COMMITTEE REPORTS ON INSTITUTION.

THE big irrigation bill was passed by both branches of the state legislature yesterday and will become law as soon as it receives the governor's signature. There is little doubt the executive will approve it as it was for its passage he sent his special message to the legislature Monday. The senate passed the bill in the afternoon and the house sent it through last night. Only seven votes were recorded against the measure in the house, those of Representatives Metcalf, Molyneux, Morris, Patterson, Robison, Stoker and White.

It is the first general irrigation law passed by either branch of the state legislature in the history of Utah. It places the state engineer at the head of the water, irrigation and reservoir systems of the state, and provides a method for the adjudication of all water rights. Distribution of water, taking claim to unappropriated water and control of watershed areas are all provided for. The measure is the most voluminous of the session, and while its sponsors admit it is not perfect, they declare it will produce order out of the existing chaotic condition, make expensive litigation unnecessary and result in the conservation and best use of the waters of the state.

Four negative votes were recorded against the measure in the senate, although the fight made on the bill was a bitter one. The four opposing senators were C. P. Larsen, A. B. Lewis, C. E. Looe and George C. Whitmore. All the other senators were present and favored the bill.

"This bill puts too much power in the hands of one man," said Senator Whitmore, opening the debate. "Water right differences should be left to the courts to settle."

One-man Power.
"The measure gives one man unlimited, arbitrary and extraordinary power," asserted Senator Lewis. "It is complicated and almost incomprehensible to the people who own water rights and who are its supposed beneficiaries. The expense which piles up under it is a bar to the poor man or the man of moderate means."

"I found a great deal of objection in my district," said Senator Barnes, "but when explanation was made to my constituents the former objectors invariably said: 'Pass the bill.'"

"I have many petitions protesting against the passage of this bill," said Senator C. P. Larsen, "and not one of my constituents has asked me to vote against it. I think it will work mischief."

"This is the third time I have been in the senate," said Senator Bennion, "and each time needed irrigation legislation has been defeated. The time has come when it is necessary to bring order out of chaos. This bill is unquestionably the best of any that has been considered by the legislature on this subject. I will admit it may not be perfect, but its defects can be corrected by future legislatures in the light of experience. Meanwhile we must have a basis to work on. The measure is the result of indefatigable labor on the part of both house committees in connection with the state engineer, and has the unanimous support of all members of both committees."

Objectors Left Satisfied.
"So far as I can learn, every person who has appeared before the committee with an objection has had his objection satisfied and has gone away perfectly satisfied," said Senator Whitmore. "The greater portion of the objections have not been investigated, if the legislature is ever going to do anything about irrigation, now is the time to do it. The measure is a necessary saving in the expense of litigation."

"The bill may need amendment in future years, it is true, but it forms a basis for future legislation," said Senator Lawrence.

"This measure is of vast importance to the people of this state," said Senator Gardner. "It has been objected that it is a measure to give the state engineer a monopoly of the water, but the measure has been investigated and the objections have been found to be unfounded."

"The committee found the state engineer a man of practical experience, eminently qualified to assist in the carrying out of the measure," said Senator David McKay, chairman of the joint irrigation committee. "Some of the objections came from Provo, and I understand the people of Provo now are satisfied."

Provo Still Protesting.
"I am here to say that what has been said about the people of Provo is not entirely true," said Senator Looe. "There is a protest from Provo, and it is still in existence. Both farmers and townspeople are opposed to the bill. They think it is a mischievous measure."

"There is a great demand and a great need for general irrigation legislation," said Senator Williams. "This bill may not be exactly what is needed, but it is a start and there is no better way than to pass it."

Representative Austin, chairman of the house irrigation committee, Representative Barrett and State Engineer Doremus were in the senate chamber while the debate was in progress and left highly elated when the measure was passed.

In the afternoon the senate passed S. B. 173, by Gardner, appropriating \$8,000 from the state land funds for surveys of possible reservoir sites with a view to opening the way for expenditure in Utah of reservoir funds set aside by the federal government.

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LIVING ON HERBS.

Vienna, March 10.—The distress in Dalmatia is so severe that the people in parts of that province are reported to be subsisting on wild herbs. A committee has been formed in Vienna to raise funds for the relief of the sufferers and the Croats are excavating at the Dalmatian village of Plavno, where interesting discoveries are expected, the immediate object being to provide with fuel the famished inhabitants of the commune of Knin.

DRUGGISTS LOSE STOCK.

Portland, Ore., March 10.—Fire tonight damaged the stock of Manning, Wallace & Co., wholesale druggists, of \$200,000 worth of goods, and partially destroyed the building occupied by the firm. The total loss is \$400,000, fully covered by insurance. The damaged building is owned by R. R. Thompson, and is located on Front street near Pine.

GET DOWN TO DETAILS.

Denver, March 10.—The committee of engineers and firemen of the Rio Grande have finally commenced their work of surveying the river and its tributaries. They succeeded in getting down to details of the survey, and the work of revision on the basis of these figures is slow.

NEW WAGE SCHEDULE.

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